

Application No. 80959

**APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADA**

THIS SPACE FOR OFFICE USE ONLY	
Date of Filing in State Engineer's Office	<u>JUL 08 2011</u>
Returned to applicant for correction	_____
Corrected Application filed	_____ Map filed _____

The applicant Garrett Van Diest, Inc.

Box ~~967~~ 867

Street Address or P.O. Box

of Winnemucca

City or Town

Nevada, 89446

State and ZIP Code

hereby make(s) application for permission to appropriate the

public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

Incorporated in Nevada on May 3rd, 1972

REL
per
phone

1. The source of water is underground

Name of the stream, lake, underground, spring or other sources.

2. The amount of water applied for is 1.45 cfs

One second foot equals 448.83 gallons per minute.

(a) If stored in a reservoir give the number of acre-feet _____

3. The water is to be used for irrigation and domestic

Irrigation, power, mining, commercial, domestic or other use. Must be limited to one major use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated 130 acres

(b) Stockwater, state number and kind of animals _____

(c) Other use (describe fully in No. 12) _____

(d) Power:

(1) Horsepower developed _____

(2) Point of return of water to stream _____

71-7E

5. The water is to be diverted from its source at the following point: (Describe as being within a 40-acre subdivision of public survey, and by course and distance to a found section corner. If on unsurveyed land, it should be so stated.)

within the SE1/4SE1/4 of Section 7, T.33N.,R.38E., M.D.B.&M., or at a point from which the SE corner of said Section 7 bears S44°56'E 106.00 feet.

6. Place of use: (Describe by legal subdivision. If on unsurveyed land, it should be so stated)

130 acres lying within the SE1/4 of Section 7, T.33N.,R.38E., M.D.B.&M.

7. Use will begin about January 1st and end about December 31st of each year.
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with a pump and motor, etc.)

Applicant intends to use an existing well (drilled under Permit 60316) and an existing irrigation system.

9. Estimated cost of works: \$75,000±

10. Estimated time required to construct works: complete, see well log file number 49215

(If the well is complete, describe works.)

11. Estimated time required to complete the application of water to beneficial use: 2 years

12. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

See attachment

13. Miscellaneous remarks:

Please use map that supports Permit 76065, which shows the proposed Place of Use and the proposed Point of Diversion of this Application.

dms@winnemucca.net

E-mail Address

775-623-4414

Phone No.

Ext.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

John H. Milton III (agent)

Type or print name clearly

John H. Milton III

Signature, applicant or agent

Desert Mountain Surveying

Company Name

146 West Second Street

Street Address or PO Box

Winnemucca, Nevada, 89445

City, State, ZIP Code

Question 12 Attachment

Until recently, Permit 60316 covered the place of use and point of diversion of this application. Garrett Van Diest of Garrett Van Diest Inc. made an agreement to sell Permit 60316 and the associated land to Inger Casey. There was no deed recorded; only a contract of sale. Inger Casey has been living and farming the property since at least 2007. Garrett Van Diest died in June of 2008 having never transferred ownership to Inger Casey. In July of 2010 the Proof of Beneficial Use was due and the officers of Garrett Van Diest, Inc. never filed the proof or an extension.

This water right was originally issued under Permit 20722 Cert. 5861 and as such was allocated from the ground water basin prior to the State Engineers Order 1171. The Applicants wish to irrigate the original 130 acres that was remaining under Permit 60316.

The death of the original owner and the ignorance of the filing deadline of the prospective owner caused the permit to be cancelled; not the non-use of the water rights.

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